

## **MINUTES**

### **MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON BUSINESS AND LABOR**

**Call to Order:** By **CHAIRMAN MIKE TAYLOR**, on March 5, 2001 at 8:00 A.M., in Room 422 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Mike Taylor, Chairman (R)  
Sen. Mike Sprague, Vice Chairman (R)  
Sen. Edward Butcher (R)  
Sen. Vicki Cocchiarella (D)  
Sen. Sam Kitzenberg (R)  
Sen. Dale Mahlum (R)  
Sen. Glenn Roush (D)  
Sen. Don Ryan (D)

**Members Excused:** Sen. Dale Berry (R)

**Members Absent:** None.

**Staff Present:** Bart Campbell, Legislative Branch  
Kyanne Kelly, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 47, 3/2/2001; HB 230,  
3/2/2001; HB 218, 3/2/2001  
Executive Action: HB 47

HEARING ON HB 47

Sponsor: REPRESENTATIVE BILL PRICE, HD 94, LEWISTOWN

Proponents: Carroll South, Board of Investments

Opponents: None

Opening Statement by Sponsor:

*{Tape : 1; Side : A; Approx. Time Counter : 1.3}*

REPRESENTATIVE BILL PRICE, HD 94, LEWISTOWN, said this bill revises the laws of the State Board of Investments.

Proponents' Testimony:

Carroll South, Board of Investments, said a 1% restriction was placed on the Board in 1983, but with the larger businesses coming into the state he thinks the board will sometimes want to invest more than that and he also said the board needs more flexibility.

Opponents' Testimony: None

Questions from Committee Members and Responses:

CHAIRMAN MIKE TAYLOR asked about the Montana Coal Trust.

Carroll South said within the next two years they will have to write off \$900,000.

Closing by Sponsor:

*{Tape : 1; Side : A; Approx. Time Counter : 12.1}*

REPRESENTATIVE BILL PRICE, HD 94, LEWISTOWN, closed without comment.

EXECUTIVE ACTION ON HB 47

Motion/Vote: SEN. COCCHIARELLA moved that HB 47 BE CONCURRED IN. Motion carried unanimously.

HEARING ON HB 230

Sponsor: REPRESENTATIVE BILL PRICE, HD 94, LEWISTOWN

Proponents: Jacqueline Lenmark, American Insurance Association

Opponents: Dexter Busby, Montana Refining Company  
Don Allen, Cenex  
Gail Abercrombie, Montana Petroleum Association

Informational Witness: Bill Jellison, Department of Commerce

Opening Statement by Sponsor:

*{Tape : 1; Side : A; Approx. Time Counter : 13.8}*

REPRESENTATIVE BILL PRICE, HD 94, LEWISTOWN, said this is an act to revise boiler inspections. He said there are large and small boilers, and with only 3 inspectors, this bill would provide that the smaller boilers are inspected every other year and the larger boilers would be inspected every year. He also said it would allow boilers to have a grace period to be fixed.

Proponents' Testimony:

Jacqueline Lenmark, American Insurance Association, said she stands in strong support of this bill. She had a proposed amendment and she handed a printed copy to the committee.

**EXHIBIT (bus50a01)**

Opponents' Testimony:

Dexter Busby, Montana Refining Company, said he was concerned about the definition of boiler as used in the bill. He also said that he would have to shut down some of his equipment for the inspections and the last time they shut down it cost them 3 million dollars. He said the definition as it is in the bill would have unintended consequences. **EXHIBIT (bus50a02)**

Don Allen, Cenex, said there would be unintended consequences from the definition of boiler in this bill.

Gail Abercrombie, Montana Petroleum Association, said if the definition of boiler could be deleted it would be a much better bill, she said the definition should be left in rule rather than law.

**Informational Witness:** Bill Jellison, Department of Commerce said he was available to answer questions.

**Questions from Committee Members and Responses:**

**SENATOR COCCHIARELLA** asked if this bill would eliminate the requirements for having engineering licenses for boilers.

**Representative Price** said they did intend that, but it was crossed out of the bill.

**SENATOR DALE MAHLUM** asked if this bill fit within the Department of Professional and Occupational Licensing.

**Chris Hahn, Professional and Occupational Licensing** said personally he doesn't agree with many of the issues in the bill, that it is unfair to charge an inspection fee on a battery of boilers.

**CHAIRMAN TAYLOR** asked if inspectors get paid a percentage of the fee when they make the inspection.

**Ray Smith, Building Codes Division,** said no.

**CHAIRMAN TAYLOR** asked if he would be willing to take out the definition of boiler from the bill.

**REPRESENTATIVE PRICE** said he wouldn't like it, but didn't want to lose the intent of the bill.

**Bill Jellison** said the intent of the proposed definition was to clarify for the public the difference between a boiler and a water heater so that it would be clear this bill covers boilers only.

**Gail Abercrombie** said the definition which is in the language now is very broad and if it is not limited in statute it can't be limited in rule.

**CHAIRMAN TAYLOR** asked about the life of a boiler.

**Ray Smith** said about ten years.

**SENATOR ED BUTCHER** asked if there could be an amendment to have the inspections be less frequent for the small businesses and homes.

**Bill Jellison** said it would be possible, and some have suggested 5 years for small businesses, and that homes are not covered under this bill.

**Closing by Sponsor:**

***{Tape : 2; Side : A; Approx. Time Counter : 4.5}***

**REPRESENTATIVE BILL PRICE, HD 94, LEWISTOWN,** said the real catch here seems to be the definition of a boiler. He said this was an issue between hot water heaters and boilers and the issue is the backlog of boilers that the three inspectors have to inspect. So they would like to inspect the smaller boilers every other year rather than every year. The good intent is to make sure the larger boilers are safe.

**HEARING ON HB 218**

**Sponsor: REPRESENTATIVE TOM FACEY, HD 67, MISSOULA**

**Proponents: Kathleen Martin, Department of Public Health**

**Opponents: None**

**Opening Statement by Sponsor:**

***{Tape : 2; Side : A; Approx. Time Counter : 8.9}***

**REPRESENTATIVE TOM FACEY, HD 67, MISSOULA,** said that the Forest Service requires that the contractors who are providing the food for the fire camps have a licenced potable water hauler, however there is not a way for people hauling water to fire camps to get the inspection except through the county and the counties have different requirements. This bill would give the water haulers the opportunity to be licensed one time through the state and they could then go to any county to bring water.

**EXHIBIT (bus50a03) EXHIBIT (bus50a04)**

**Proponents' Testimony:**

**Kathleen Martin, Department of Public Health,** said the water haulers would be inspected by the county sanitarian in the area they start and then their license would be good anywhere in the state for that year.

Opponents' Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

*{Tape : 2; Side : A; Approx. Time Counter : 16.4}*

REPRESENTATIVE TOM FACEY, HD 67, MISSOULA, said it might be good to put an amendment on that would make sure this did not apply to the farmers in Eastern Montana who haul water to their ranches and an amendment to make sure this is applicable to the fire season this coming summer.

ADJOURNMENT

Adjournment: 9:30 A.M.

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SEN. MIKE TAYLOR, Chairman

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KYANNE KELLY, Secretary

MT/KK

**EXHIBIT** (bus50aad)